

9-1-102. Definitions.

As used in this title:

- (1) "Executive director" means the executive director of the Department of Heritage and Arts.
- (2) "Department" means the Department of Heritage and Arts.

Amended by Chapter 212, 2012 General Session

9-1-201. Department of Heritage and Arts -- Creation -- Powers and duties.

- (1) There is created the Department of Heritage and Arts.
- (2) The department shall:
 - (a) be responsible for preserving and promoting the heritage of the state, the arts in the state, and cultural development within the state;
 - (b) perform heritage, arts, and cultural development planning for the state;
 - (c) coordinate the program plans of the various divisions within the department;
 - (d) administer and coordinate all state or federal grant programs which are, or become, available for heritage, arts, and cultural development;
 - (e) administer any other programs over which the department is given administrative supervision by the governor;
 - (f) submit an annual written report to the governor and the Legislature as described in Section 9-1-208; and
 - (g) perform any other duties as provided by the Legislature.
- (3) The department may solicit and accept contributions of money, services, and facilities from any other sources, public or private, but may not use those contributions for publicizing the exclusive interest of the donor.
- (4) Money received under Subsection (3) shall be deposited in the General Fund as restricted revenues of the department.

Amended by Chapter 371, 2014 General Session

9-1-201.1. Executive director of department -- Appointment -- Removal -- Compensation.

- (1) The department shall be directed, organized, and managed by an executive director appointed by the governor with the consent of the Senate.
- (2) The executive director serves at the pleasure of the governor.
- (3) The salary of the executive director shall be established by the governor within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

Enacted by Chapter 212, 2012 General Session

9-1-201.2. Organization of department -- Jurisdiction of executive director.

The executive director:

- (1) may organize the department in any fashion considered appropriate, unless otherwise expressly provided by statute; and
- (2) may consolidate personnel and service functions to effectuate efficiency and

economy within the department.

Enacted by Chapter 212, 2012 General Session

9-1-202. Cooperation with other agencies and organizations.

In carrying out the provisions and purposes of this title, the department shall cooperate with, and make use of, the facilities and services of existing private or public agencies, corporations, persons, companies, or organizations to the fullest extent possible, and all state agencies, bureaus, or departments within their capabilities shall render full and complete cooperation to the department.

Renumbered and Amended by Chapter 241, 1992 General Session

9-1-203. Compliance with Administrative Procedures Act.

The department and all of its divisions, boards, offices, bureaus, commissions, and other entities shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, in their adjudicative proceedings.

Amended by Chapter 382, 2008 General Session

9-1-208. Annual report -- Content -- Format.

(1) The department shall prepare and submit to the governor and the Legislature, by October 1 of each year, an annual written report of the operations, activities, programs, and services of the department, including its divisions, offices, boards, commissions, councils, and committees, for the preceding fiscal year.

(2) For each operation, activity, program, or service provided by the department, the annual report shall include:

- (a) a description of the operation, activity, program, or service;
- (b) data selected and used by the department to measure progress, performance, and scope of the operation, activity, program, or service, including summary data;
- (c) budget data, including the amount and source of funding, expenses, and allocation of full-time employees for the operation, activity, program, or service;
- (d) historical data from previous years for comparison with data reported under Subsections (2)(b) and (c);
- (e) goals, challenges, and achievements related to the operation, activity, program, or service;
- (f) relevant federal and state statutory references and requirements;
- (g) contact information of officials knowledgeable and responsible for each operation, activity, program, or service; and
- (h) other information determined by the department that:
 - (i) may be needed, useful, or of historical significance; or
 - (ii) promotes accountability and transparency for each operation, activity, program, or service with the public and elected officials.

(3) The annual report shall be designed to provide clear, accurate, and accessible information to the public, the governor, and the Legislature.

- (4) The department shall:
 - (a) submit the annual report in accordance with Section 68-3-14; and
 - (b) make the annual report, and previous annual reports, accessible to the public by placing a link to the reports on the department's website.

Enacted by Chapter 371, 2014 General Session

9-1-801. Title.

This part is known as the "Utah Commission on Service and Volunteerism Act."

Amended by Chapter 189, 2014 General Session

9-1-802. Definitions.

- (1) "Act" means the National Community and Service Trust Act of 1993, 42 U.S.C. 12501 et seq.
- (2) "Commission" means the Utah Commission on Service and Volunteerism created in Section 9-1-803.
- (3) "Corporation" means the Corporation for National and Community Service described in the act.

Amended by Chapter 38, 2013 General Session

9-1-803. Creation -- Members -- Appointment -- Terms -- Vacancies -- Per diem and expenses.

- (1) There is created the Utah Commission on Service and Volunteerism consisting of 19 voting members and one nonvoting member.
- (2) The 19 voting members of the commission are:
 - (a) the lieutenant governor;
 - (b) the commissioner of higher education or the commissioner's designee;
 - (c) the state superintendent of public instruction or the superintendent's designee;
 - (d) the executive director of the Department of Heritage and Arts or the executive director's designee;
 - (e) nine members appointed by the governor as follows:
 - (i) an individual with expertise in the educational, training, and developmental needs of youth, particularly disadvantaged youth;
 - (ii) an individual with experience in promoting the involvement of older adults in volunteer service;
 - (iii) a representative of a community-based agency or organization within the state;
 - (iv) a representative of local government;
 - (v) a representative of a local labor organization in the state;
 - (vi) a representative of business;
 - (vii) an individual between the ages of 16 and 25 who participates in a volunteer or service program;
 - (viii) a representative of a national service program; and

- (ix) a representative of the volunteer sector; and
- (f) six members appointed by the governor from among the following groups:
 - (i) local educators;
 - (ii) experts in the delivery of human, educational, cultural, environmental, or public safety services to communities and individuals;
 - (iii) representatives of Native American tribes;
 - (iv) representatives of organizations that assist out-of-school youth or other at-risk youth; or
 - (v) representatives of entities that receive assistance under the Domestic Volunteer Service Act of 1973, 42 U.S.C. 4950 et seq.

(3) The nonvoting member of the commission is the state representative of the corporation.

(4) (a) In appointing persons to serve on the commission, the governor shall ensure that:

- (i) no more than 10 voting members of the commission are members of the same political party; and
- (ii) no more than five voting members of the commission are state government employees.

(b) In appointing persons to serve on the commission, the governor shall strive for balance on the commission according to race, ethnicity, age, gender, and disability characteristics.

(5) (a) Except as required by Subsection (5)(b), as terms of current commission members expire, the governor shall appoint each new member or reappointed member to a three-year term.

(b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of commission members are staggered so that approximately one-third of the commission is appointed every year.

(6) When a vacancy occurs in the membership, the replacement shall be appointed for the unexpired term.

(7) A member appointed by the governor may not serve more than two consecutive terms.

(8) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

- (a) Section 63A-3-106;
- (b) Section 63A-3-107; and
- (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 38, 2013 General Session

9-1-805. Election of commission chair and vice chair.

(1) The voting members of the commission shall elect a chair and a vice-chair from among the voting members of the commission.

(2) The chair and vice-chair shall serve for a term of one year.

Amended by Chapter 38, 2013 General Session

9-1-806. Commission chair and vice chair duties.

- (1) The chair shall:
 - (a) preside at meetings of the commission; and
 - (b) authorize and execute the actions of the commission.
- (2) The vice-chair shall:
 - (a) assist the chair;
 - (b) if the chair is absent, perform the duties of the chair;
 - (c) accept special assignments from the chair; and
 - (d) perform other duties as delegated by the commission.

Amended by Chapter 38, 2013 General Session

9-1-808. Meetings -- Quorum.

- (1) The commission shall meet at least quarterly.
- (2) A voting member of the commission who fails to attend at least 75% of called meetings in a calendar year is automatically removed from the commission.
- (3) A commission quorum is a simple majority of the voting members.

Amended by Chapter 38, 2013 General Session

9-1-809. Commission duties.

- (1) The commission shall:
 - (a) assist in the selection, development, and oversight of programs funded and established by the act;
 - (b) pursue opportunities for sustainable and high-impact community service;
 - (c) develop and annually update a three-year community service plan for the state, including the establishment of state priorities; and
 - (d) stimulate increased community awareness of the impact of volunteer service in the state.
- (2) (a) The commission may, subject to Title 63J, Chapter 5, Federal Funds Procedures Act, receive and accept federal funds, and may receive and accept private gifts, donations, or funds from any source.
 - (b) Money received under this Subsection (2) shall be deposited with the state and shall be available to the commission to carry out the purposes of this part.

Amended by Chapter 38, 2013 General Session

9-1-810. Reporting and administration.

- (1) The commission shall report to the office of the lieutenant governor.
- (2) The Department of Heritage and Arts shall provide administrative and staff support services to the commission.

Amended by Chapter 38, 2013 General Session

9-1-811. Rulemaking.

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Heritage and Arts may make rules to:

- (1) implement this part; and
- (2) ensure the commission complies with the act and related federal requirements.

Repealed and Re-enacted by Chapter 38, 2013 General Session